



Louisiana Board of Pharmacy

3388 Brentwood Drive
Baton Rouge, Louisiana 70809-1700
Telephone 225.925.6496 ~ Facsimile 225.925.6499
www.pharmacy.la.gov ~ E-mail: info@pharmacy.la.gov



November 17, 2016

Office of the Governor
PO Box 94004
Baton Rouge LA 70804-9004
Kendal.Melvin@la.gov


Electronic Mail – Delivery Receipt Requested

Re: Notice of Emergency Rule

Dear Governor Edwards:

In compliance with the provisions of La. R.S. 49:953(B), this will serve notice of the Board's adoption of an Emergency Rule on November 16, 2016 with an effective date of today, November 17, 2016. The Emergency Rule will streamline the reinstatement of controlled dangerous substance (CDS) licenses to practitioners. Copies of the Declaration of Emergency and the Emergency Rule are enclosed. In the event you desire any further information about this topic, please contact my office directly at mbroussard@pharmacy.la.gov or 225.925.6481.

For the Board:


Malcolm J Broussard
Executive Director

cc: Office of the Attorney General – executive@ag.state.la.us
President, Louisiana Senate – apa.senatepresident@legis.la.gov
Chair, Senate Health & Welfare Committee – apa.s-h&w@legis.la.gov
Speaker, Louisiana House of Representatives – apa.housespeaker@legis.la.gov
Chair, House Health & Welfare Committee – apa.h-hw@legis.la.gov
Director, Office of the State Register – reg.submission@la.gov

DECLARATION OF EMERGENCY

Department of Health
Board of Pharmacy

Reinstatement of Controlled Dangerous Substance (CDS) Licenses – LAC 46:LIII.2707

The Louisiana Board of Pharmacy is exercising the emergency provisions of the Administrative Procedure Act, specifically at R.S. 49:953.B, to promulgate an amendment of its controlled substance license rules to reduce the administrative procedures, and the amount of time, necessary for the reinstatement of controlled dangerous substance licenses held by certain practitioners.

The Board issues controlled dangerous substance (CDS) to several different types of practitioners whose primary professional license grants them prescriptive authority for one or more schedules of controlled substances. When a primary licensing agency suspends or revokes a practitioner's professional license, the Board of Pharmacy suspends the CDS license based upon the primary licensing agency's action. When the primary licensing agency reinstates the primary professional license, the practitioner applies to the Board of Pharmacy for the reinstatement of their CDS license.

The board's current rule for the reinstatement of a CDS license suspended by the Board of Pharmacy requires the board to convene an administrative hearing to consider the reinstatement application, make a determination, and issue an order. Since the Board of Pharmacy typically meets only four times per year, there is a potential for a significant amount of time to lapse between the restoration of the primary professional license and the reinstatement of the practitioner's CDS license. During this period of time, the practitioner is authorized to practice under terms dictated by the primary licensing agency; however, the absence of a CDS license prohibits the practitioner from prescribing any controlled substances for his patient.

The board proposes to amend the relevant rule to allow for a waiver from the requirement of an administrative hearing when the chair of the reinstatement committee and the board's president jointly agree to approve the reinstatement request in the interim between board meetings. When such approvals are issued, the president is authorized to sign a reinstatement order, and staff would be able to reinstate the CDS license. This will prevent the necessity of waiting for a quarterly administrative hearing, and would permit the staff to reinstate the CDS license shortly after the restoration of the primary professional license. This will allow the practitioner to prescribe controlled substances for his patient when needed.

The Board has determined this emergency rule is necessary to prevent imminent peril to the public health, safety, and welfare. The declaration of emergency is effective November 17, 2016, and shall remain in effect for the maximum time period allowed under the Administrative Procedure Act or until adoption of the final rule, whichever shall first occur.

Malcolm J Broussard
Executive Director
Louisiana Board of Pharmacy

Louisiana Administrative Code

Title 46 – Professional and Occupational Standards

Part LIII: Pharmacists

Chapter 27. Controlled Dangerous Substances

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Subchapter B. Licenses

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§2707. Licensing Procedures

A. – C.3 ...

4. An application for the reinstatement of a CDS license for a pharmacy which was suspended or revoked by the board may only be approved by the full board following a hearing to determine whether the reinstatement of the license is in the public's best interest. For all other CDS licenses, the reinstatement may be approved by the joint consent of the chair of the reinstatement committee and the board president without the necessity of a hearing; when such approvals are issued, staff shall prepare a reinstatement order for the president's signature.

C.5 – D.5.e ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:972.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 34:2131 (October 2008), amended LR

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